



Declaration in Support of Response

Robert J. Hampsch hereby declares:

- (1) That he is a graduate of the Illinois Institute of Technology, Chicago, IL, having earned a Bachelor of Science (BS) degree in Mechanical and Aerospace Engineering in 1983 and that he is also a graduate of Whittier College School of Law, Los Angeles, CA having earned a degree of Juris Doctor (JD), cum laude in 1989; and
- (2) He is presently employed by Caterpillar Inc. at the Legal Services Division, Intellectual Property Department in the capacity as Intellectual Property Counsel, and has been practicing in the field of intellectual property law since 1990; and
- (3) He has been involved in the patent application preparation and filing of applications relating to engine related technology for Caterpillar Inc. since 1996 and is familiar with Caterpillar's invention reporting and patent obtaining processes as well as Caterpillar's patent information system, referred to as 'PatentMaster'; and
- (4) He is familiar with the invention claimed in United States patent application serial number 09/108,232 filed July 1, 1998 titled "STABILE INVERT FUEL EMULSION COMPOSITIONS AND METHOD OF MAKING" and the United States Patent No. 5,873,916 (Cemenska et al.) filed February 17, 1998 titled "FUEL EMULSION BLENDING SYSTEM"
- (5) The Intellectual Property Department for Caterpillar Inc. received an invention disclosure for the subject matter claimed in United States patent application serial number 09/108,232 on or about October 21, 1997. Such invention was indicated as being conceived or made prior to that date by the named inventors, as reported on Caterpillar Invention Notification Form and recorded in Caterpillar's patent information system, 'PatentMaster'; and
- (6) The Caterpillar Intellectual Property Department diligently processed the invention disclosure and contracted with outside counsel to write the corresponding patent application. The patent application was filed with the USPTO on July 1, 1998; and
- (7) That the invention claimed in United States patent application serial number 09/108,232 was conceived or made prior to the effective filing date of United States Patent No. 5,873,916 (Cemenska et al.), and therefore the Cemenska et al. reference is an improper prior art reference under 35 USC 102(e) against the above-mentioned patent application.
- (8) The undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.


Robert J. Hampsch

10/6/99
Date